

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Gerald (Jerry) Bennett, on January 29, 2015 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Gerald (Jerry) Bennett, Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Alan Doane, Vice Chair (R)  
Rep. Seth Berglee (R)  
Rep. Clayton Fiscus (R)  
Rep. Stephanie Hess (R)  
Rep. Ellie Boldman Hill (D)  
Rep. Kathy Kelker (D)  
Rep. Sarah Laszloffy (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Theresa Manzella (R)  
Rep. G. Bruce Meyers (R)  
Rep. Matthew Monforton (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Zac Perry (D)  
Rep. Andrew Person (D)  
Rep. Randall Pinocci (R)  
Rep. Keith Regier (R)  
Rep. Kirk Wagoner (R)

**Members Excused:** Rep. Jennifer Eck (D)  
Rep. Nate McConnell (D)

**Members Absent:** None

**Staff Present:** McKenzie Chambers, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 219, 1/22/2015; HB 255, 1/22/2015; HB 272, 1/22/2015; SB 15, 1/22/2015

00:00:56 Chair J. Bennett  
00:01:27 Rep. Eck joined the meeting.

### **HEARING ON SB 15**

#### **Opening Statement by Sponsor:**

00:01:37 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 15, Clarify laws relating to the call of a retired judge or justice.

#### **Proponents' Testimony:**

00:04:04 Rep. McConnell joined the meeting.  
00:04:56 Beth McLaughlin, Administrator, Supreme Court  
00:05:46 Lee Bruner, Montana Defense Trial Lawyers (MDTL)  
00:06:14 Al Smith, Montana Trial Lawyers Association (MTLA)  
00:06:45 Larry Epstein, Montana County Attorneys Association (MCCA)

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:07:23 Rep. Monforton  
00:08:11 Sen. Swandal  
00:08:56 Rep. Meyers  
00:09:38 Sen. Swandal

#### **Closing by Sponsor:**

00:10:41 Sen. Swandal

### **HEARING ON HB 272**

#### **Opening Statement by Sponsor:**

00:11:10 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 272, Adoption of the uniform collaborative law act.

#### **Proponents' Testimony:**

00:15:00 Tal Goldin, Western Montana Bar Association (WMBA)  
**EXHIBIT(juh20a01)**  
00:30:37 Hilary Oitzinger, Self  
00:34:04 Linda Gryczan, President, Montana Mediation Association (MTMA)  
00:35:38 John Quandt, Self  
00:37:51 Karen Powell, Montana Uniform Law Commission (ULC)  
**EXHIBIT(juh20a02)**  
00:39:39 Katie Mazurek, Self

#### **Opponents' Testimony:**

00:45:59 Mark Parker, State Bar of Montana

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:53:55 Rep. MacDonald  
00:54:22 Tal Goldin, WMBA  
01:00:46 Rep. Meyers  
01:01:40 Tal Goldin, WMBA  
01:05:35 Rep. Regier  
01:06:03 Rep. Hill  
01:06:11 Tal Goldin, WMBA  
01:10:13 Rep. Kelker  
01:11:00 Tal Goldin, WMBA  
01:13:33 Rep. Kelker  
01:13:47 Tal Goldin, WMBA  
01:14:31 Rep. Fiscus  
01:15:18 Mark Parker, State Bar of Montana  
01:16:43 Rep. Person  
01:17:28 Katie Mazurek, Self  
01:20:03 Rep. Meyers  
01:21:07 Rep. Hill  
01:21:54 Rep. Eck  
01:22:57 Hilary Oitzinger, Self

**Closing by Sponsor:**

01:27:13 Rep. Hill  
01:30:20 Chair J. Bennett  
  
01:30:35 Recessed  
01:44:38 Reconvened  
  
01:44:40 Chair J. Bennett

**HEARING ON HB 255****Opening Statement by Sponsor:**

01:45:37 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 255,  
Referendum regarding disqualification of judges receiving certain contributions.

[EXHIBIT\(juh20a03\)](#)

[EXHIBIT\(juh20a04\)](#)

**Proponents' Testimony:**

01:56:36 Joe Balyeat, Americans for Prosperity Montana (ASP)

**Opponents' Testimony:**

01:58:50 Judge Mike Salvagni, Montana Judges Association

[EXHIBIT\(juh20a05\)](#)

[EXHIBIT\(juh20a06\)](#)

02:16:30 Mark Parker, State Bar of Montana

02:24:08 Mary Phippen, Montana Magistrates' Association

**EXHIBIT(juh20a07)**

02:27:37 Larry Epstein, Montana County Attorneys Association (MCAA)

02:30:21 Al Smith, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:36:02 Chair J. Bennett  
 02:36:14 Rep. Hill  
 02:38:02 Mike Salvagni, Montana Judges Association  
 02:42:03 Joe Balyeat, ASP  
 02:45:14 Rep. Meyers  
 02:46:04 Larry Epstein, MCAA  
 02:46:49 Rep. Person  
 02:49:28 Mark Parker, State Bar of Montana  
 02:50:50 Rep. Wagoner  
 02:51:59 Rep. Monforton  
 02:53:27 Rep. Kelker  
 02:53:50 Rep. Monforton  
 02:54:40 Rep. Kelker  
 02:55:22 Rep. Monforton  
 02:56:49 Rep. Kelker  
 02:57:12 Rep. Monforton  
 02:58:58 Rep. McConnell  
 02:59:07 Rep. Monforton  
 02:59:39 Rep. McConnell  
 03:00:27 Rep. Monforton  
 03:01:07 Rep. McConnell  
 03:01:18 Rep. Monforton  
 03:01:57 Rep. Court  
 03:02:29 Rep. Monforton  
 03:03:50 Rep. Court  
 03:04:39 Rep. Monforton

**Closing by Sponsor:**

03:05:40 Rep. Monforton  
 03:10:48 Chair J. Bennett

**HEARING ON HB 219**

**Opening Statement by Sponsor:**

03:11:30 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 219, Geographic restrictions for sex offenders.

**Proponents' Testimony:**

03:17:22 Brenda Erdelyi, Montana Sexual Offender Treatment Association (MSOTA)

[EXHIBIT\(juh20a08\)](#)

[EXHIBIT\(juh20a09\)](#)

[EXHIBIT\(juh20a10\)](#)

**Opponents' Testimony:**

03:28:00 Niki Zupanic, ACLU of Montana

**Informational Testimony:**

03:32:07 Adrienne Slaughter, Government Relations Director, Director's Office,  
Department of Corrections (DOC)

03:32:29 Butch Huseby, Bureau Chief, Division of Criminal Investigation, Department of  
Justice (DOJ)

**Questions from Committee Members and Responses:**

03:33:03 Rep. Kelker

03:33:48 Adrienne Slaughter, DOC

03:34:33 Rep. MacDonald

03:35:38 Adrienne Slaughter, DOC

**Closing by Sponsor:**

03:37:03 Rep. Essmann

03:38:57 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 03:41:12

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Additional Documents:

**EXHIBIT**([juh20aad.pdf](#))

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McKenzie Chambers, Secretary